

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

TREVON FOREMAN and LOTISHA DAVIDSON,

Plaintiffs,

DISTRICT ATTORNEY OF BAKERSFIELD,

Defendant.

Case No. 1:22-cv-00581-DAD-BAK (SKO)

ORDER DENYING WITHOUT PREJUDICE APPLICATION TO PROCEED WITHOUT THE PREPAYMENT OF FEES AND DIRECTING PLAINTIFFS TO PAY THE \$402 FILING FEE OR EACH SUBMIT A COMPLETED APPLICATION TO PROCEED WITHOUT THE PREPAYMENT OF FEES WITHIN 30 DAYS OF SERVICE OF THIS ORDER

(Doc. 2)

30-DAY DEADLINE

Plaintiffs Trevon Foreman and Lotisha Davidson (“Plaintiffs”) are proceeding *pro se* in this action. Plaintiffs filed their complaint against Defendant District Attorney of Bakersfield on May 16, 2022. (Doc. 1.) On that same date, Plaintiff Foreman, a state prisoner, filed an application to proceed without prepayment of fees. (Doc. 2.) Plaintiff Davidson did not file an application to proceed without the prepayment of fees, pursuant to Title 28 of the United States Code section 1915 or pay the \$402.00 filing fee.

In order for the Court to consider Plaintiff Foreman’s application to proceed without prepayment of fees, Foreman must provide the Court with a certified copy of his trust fund account statement (or institutional equivalent), including the supporting ledger sheets, for the six-month

1 period immediately preceding the filing of this complaint, obtained from the appropriate official of
2 each prison at which Foreman is or was confined. 28 U.S.C. § 1915(a)(2). After submission of the
3 trust fund information, the Court will determine Foreman's ability to pay the \$350 filing fee required
4 by federal law in one payment. If the Court determines that Foreman does not have sufficient funds
5 to pay the filing fee at one time, the Court will assess an initial partial filing fee. After payment of
6 the initial filing fee, monthly payments of twenty percent of the deposits made to Foreman's trust
7 fund account during the preceding month will be forwarded to the Clerk of the Court each time the
8 account balance exceeds \$10.00. Payments will continue until the filing fee is paid.

9 Because Foreman failed to provide a certified copy of his trust account statement showing
10 transactions for the past six months, and to comply with the specific informational requirements for
11 affidavits submitted pursuant to 28 U.S.C. §1915(a)(1), the Court is unable to determine if Foreman
12 is entitled to proceed without prepayment of fees in this action.

13 Accordingly, it is HEREBY ORDERED that:

- 14 1. Plaintiff Foreman's application to proceed without the prepayment of fees (Doc. 2)
15 is DENIED without prejudice; and
16 2. Within thirty (30) days of the date of service of this order, each plaintiff shall submit
17 the attached application to proceed without prepayment of fees, completed in its
18 entirety and signed. In particular, Plaintiff Foreman shall file an amended application
19 to proceed without the prepayment of fees that includes the information described
20 above or provide the Court with the reasoning as to why Foreman cannot obtain such
21 information. Alternatively, Plaintiffs may pay the \$402.00 filing fee for this action.

22 **Failure to comply with this order will result in the recommendation that this**
23 **action be dismissed.**

24 IT IS SO ORDERED.
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26 Dated: May 20, 2022

/s/ Sheila K. Oberto
27 UNITED STATES MAGISTRATE JUDGE

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